

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 201 Urban Core Gun Violence Task Force

**SPONSOR(S):** Jones and others

**TIED BILLS:** **IDEN./SIM. BILLS:** CS/SB 652

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee		Rochester	Hall
2) Justice Appropriations Subcommittee			
3) Judiciary Committee			

### SUMMARY ANALYSIS

In 2017, firearms killed 39,773 people nationally; however, these shootings are disproportionately concentrated in urban areas that suffer from high rates of unemployment, poverty, and racial segregation. In 2018, 1,107 people in Florida died by firearm homicide at a rate of 5.3 homicides per 100,000 people. Firearms are the second leading cause of death among children and teens in Florida. An average of 175 children and teens die by firearms in Florida every year, and 68 percent of those deaths are homicides.

Urban cores are areas that have high population densities of 7,500 or more people per square mile and higher transit, walking, and cycling rates. Urban cores also include non-rural communities with median house construction dates before 1945. Although law enforcement agencies do not specifically isolate urban core firearm violence statistics in Florida, statistics are available for areas in Florida with higher population densities. For example, Ocala has experienced one of the highest percentage increases in the number of firearm violence incidents between 2014 and 2018 in the nation. Ocala experienced 26 firearm violence incidents in 2014 and 141 incidents in 2018, representing a 442.3 percent increase.

HB 201 creates the Urban Core Gun Violence Task Force (Task Force) within the FDLE to:

- Investigate system failures and the causes of high crime rates and firearm violence incidents in urban core neighborhoods and communities; and
- Develop recommendations for solutions, programs, services, and strategies for improved interagency communications between local and state government agencies to help reduce crime and firearm violence in urban core neighborhoods and communities.

The section of law created by the bill is repealed on December 31, 2025.

The bill will likely have an indeterminate fiscal impact on state government due to FDLE providing support services for the Task Force. The bill does not appear to have a fiscal impact on local governments.

The bill provides an effective date of July 1, 2020.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Background**

##### Task Force

Under Florida law, a task force is an advisory body created without specific statutory enactment for a time not to exceed one year, or created by specific statutory enactment for a time not to exceed three years, and appointed to study a specific problem and recommend a solution or policy alternative related to that problem.<sup>1</sup> The existence of a task force terminates upon the completion of its assignment.<sup>2</sup>

A statutorily created advisory body may be created only when it is found to be necessary and beneficial to the furtherance of a public purpose.<sup>3</sup> Florida law requires an advisory body to inform the Legislature and the public of the body's purposes, memberships, activities, and expenses.<sup>4</sup> Moreover, unless expressly permitted in statute, Florida law prohibits advisory board member compensation. Members are authorized to receive per diem and reimbursement of travel expenses.<sup>5</sup>

##### Firearm Violence

In 2017, firearms killed 39,773 people nationally; however, these shootings are disproportionately concentrated in urban areas that suffer from high rates of unemployment, poverty, and racial segregation.<sup>6</sup> In American urban centers with significant minority populations, like New Orleans, Detroit, and Baltimore, the homicide rate is up to 10 times higher than the national average.<sup>7</sup> Firearm homicide is the leading cause of death for black males ages 15 to 34.<sup>8</sup>

In 2018, 1,107 people in Florida died by firearm homicide at a rate of 5.3 homicides per 100,000 people.<sup>9</sup> Firearms are the second leading cause of death among children and teens in Florida. An average of 175 children and teens die by firearms in Florida every year, and 68 percent of those deaths are homicides.<sup>10</sup>

Urban cores are areas that have high population densities of 7,500 people or more per square mile and higher transit, walking, and cycling rates. Urban cores also include non-rural communities with median house construction dates before 1945.<sup>11</sup>

Although law enforcement agencies do not specifically isolate urban core firearm violence statistics in Florida, statistics are available for areas in Florida with higher population densities. For example, Ocala has experienced one of the highest percentage increases in the number of firearm violence incidents

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<sup>1</sup> S. 20.03(8), F.S.

<sup>2</sup> *Id.*

<sup>3</sup> S. 20.052(1), F.S.

<sup>4</sup> S. 20.052(3), F.S.

<sup>5</sup> S. 20.052(4)(d), F.S.

<sup>6</sup> Melissa Chan, *How Likely is the Risk of Being Shot in America? It Depends*, Time Magazine (Aug. 19, 2019), <https://time.com/5476998/risk-of-guns-america/> (last visited Feb. 1, 2020).

<sup>7</sup> Ted Henrich, *Problem Management: The Federal Role in Reducing Urban Violence* (2012).

<sup>8</sup> Garen J. Wintemute, *The Epidemiology of Firearm Violence in the Twenty-First Century United States*, Annual Review of Public Health (2015), <http://www.annualreviews.org/doi/pdf/10.1146/annurev-publhealth-031914-122535> (last visited Feb. 1, 2020).

<sup>9</sup> Florida Department of Law Enforcement, *Florida Statewide Murder by Firearm* (2019), [https://www.fdle.state.fl.us/FSAC/Documents/PDF/1971\\_fwd\\_murder\\_firearms.aspx](https://www.fdle.state.fl.us/FSAC/Documents/PDF/1971_fwd_murder_firearms.aspx) (last visited Feb. 1, 2020).

<sup>10</sup> Centers for Disease Control, *Firearm Mortality by State* (2019), [https://www.cdc.gov/nchs/pressroom/sosmap/firearm\\_mortality/firearm.htm](https://www.cdc.gov/nchs/pressroom/sosmap/firearm_mortality/firearm.htm) (last visited Feb. 1, 2020).

<sup>11</sup> Wendell Cox, *Urban Cores, Core Cities and Principal Cities*, Newgeography, (Aug. 1, 2014), <http://www.newgeography.com/content/004453-urban-cores-core-cities-and-principal-cities> (last visited Feb. 1, 2020).

between 2014 and 2018 in the nation. Ocala experienced 26 firearm violence incidents in 2014 and 141 incidents in 2018, representing a 442.3 percent increase.<sup>12</sup>

### **Effect of Proposed Changes**

HB 201 creates the Urban Core Gun Violence Task Force (Task Force) within the FDLE to:

- Investigate system failures and the causes of high crime rates and firearm violence incidents in urban core neighborhoods and communities; and
- Develop recommendations for solutions, programs, services, and strategies for improved interagency communications between local and state government agencies to help reduce crime and firearm violence in urban core neighborhoods and communities.

The Task Force must convene no later than September 1, 2020, and be comprised of 10 members who will serve at the pleasure of the officer who appointed him or her. At least five of the members must be women and at least six of the members shall be members of racial minority groups. The Task Force must be composed of two members appointed by each of the following, the:

- President of the Senate;
- Minority Leader of the Senate;
- Speaker of the House of Representatives;
- Minority Leader of the House of Representatives; and
- Governor.

The Governor will appoint the Chair from among the 10 members.

The bill requires the General Counsel of the FDLE to serve as the general counsel for the Task Force. Additionally, the chair of the Task Force will assign staff from the FDLE and the Department of Juvenile Justice (DJJ) to assist the Task Force in performing its duties.

The Task Force must meet on a quarterly basis or as necessary to conduct its work at the call of the chair, at a time and location in the state designated by the chair. The Task Force must submit an initial report on its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2021, and may issue reports annually thereafter.

The Task Force may not conduct its meetings through teleconferences or other similar means. Members of the Task Force are authorized to receive reimbursement for per diem and travel expenses.

The bill authorizes the Task Force to investigate and it may delegate to its investigators the authority to administer oaths. The Task Force is also authorized to request professional assistance from appropriate state agencies in performing its duties. The bill requires those state agencies to provide any requested assistance in a timely manner.

The bill specifies that the Task Force may request and shall be provided with access to any information or records that pertain to crime and firearm violence incidents in urban core neighborhoods and communities. The bill recognizes that some amount of the information or records requested by the Task Force may be otherwise exempt or confidential and exempt and provides that such information or records shall retain exempt or confidential and exempt status, and may not be disclosed to a third party.

The section of law created by the bill is repealed on December 31, 2025.

The bill provides an effective date of July 1, 2020.

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<sup>12</sup> Howard Cohen, *This Major Florida City Has the Most Gun Violence in the Country, Survey Says*, Miami Herald (Nov. 15, 2019), <https://www.miamiherald.com/news/state/florida/article237395479.html> (last visited Feb. 1, 2020).

**B. SECTION DIRECTORY:**

**Section 1:** Creates an unnumbered section relating to Urban Core Gun Violence Task Force.

**Section 2:** Provides an effective date of July 1, 2020.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

**1. Revenues:**

None.

**2. Expenditures:**

The bill will likely have an indeterminate fiscal impact on state government. FDLE estimates, based on the number of hours committed by the FDLE to the Marjory Stoneman Douglas Commission for similar support efforts, it will incur initial costs of \$414,183 and recurring costs of \$394,708 to support the Task Force.<sup>13</sup>

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

**1. Revenues:**

None.

**2. Expenditures:**

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

**1. Applicability of Municipality/County Mandates Provision:**

Not applicable. This bill does not appear to affect county or municipal governments.

**2. Other:**

None.

**B. RULE-MAKING AUTHORITY:**

Not applicable.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

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<sup>13</sup> Florida Department of Law Enforcement, Agency Analysis of 2020 House Bill 201, p. 3 (Sep. 28, 2019).

The bill does not define the term “urban core.” Moreover, the bill’s repeal date is December 31, 2025. Section 20.03(8), F.S., limits a statutorily enacted task force to a three year period. This bill exceeds that period.

#### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**